IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Con.Case(C).No. 1182 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN BA.4239/2007 Dated 13/07/2007
[CRIME NOT KNOWN]

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PETITIONER/ACCUSED

KADAN VEETTIL GENESAN, S/O. KUNHKANNAN,
AGED 31 YEARS, RESIDING AT KADAN VEETTIL,
PADAPPENGAD DESOM, KOOVERY AMSOM,
THALIPARAMBA TALUK.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENTS:COMPLAINANT/STATE

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1. PREMACHANDRAN,
SUB INSPECTOR OF POLICE, AGE & FATHER'S NAME
NOT KNOWN TO THE PETITIONER, THALIPARAMBA
POLICE STATION, KANNUR.

2. RAMAN,
AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER,
ASST. SUB INSPECTOR OF POLICE, THALIPARAMBA
POLICE STATION, THALIPARAMBA, KANNUR.

3. UMESAN,
AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER, HEAD CONSTABLE, THALIPARAMBA POLICE
STATION, KANNUR.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

Cont.Case.No.1182 of 2007

Dated this the 12th day of September 2007

J U D G M E N T

This contempt of court case has been filed by the petitioner alleging that the respondent has committed criminal contempt of this court in not complying with the directions issued on 13/7/2007 in B.A.No.4239/2007. Paragraph 3 of the said order dated 13/7/2007 reads as follows:

> "I take note of and record the submissions of the learned Public Prosecutor. It is now evident that the apprehension of the petitioner is without any basis. If the petitioner were required to be arrested in respect of any crime which has taken place prior to this date, prior intimation shall be given to the petitioner and permission of this court taken before any attempt is made to arrest the petitioner."

2. It is the grievance of the petitioner that in violation of the said direction, the petitioner was arrested and taken into custody on 22/7/2007. In so taking him into custody, criminal contempt has been committed. This, in short, is the allegation.

3. The respondent has filed a detailed statement. He admits that the petitioner was taken into custody and proceeded with at 6.15 p.m on 22/7/2007. That had nothing to do with any offence or event which had taken place prior to the passing of the order in the bail application. In paragraph 4 of his statement, he explains the

circumstances under which the petitioner had to be proceeded against on 22/7/2007 at 6.15 p.m.

4. The learned counsel for the petitioner accepts that the petitioner was taken into custody and a crime was registered; but he contends that the allegations raised in that crime are not true or correct. Whether those allegations are correct or not cannot and need not be considered at this stage in this proceedings. The court called upon to consider the same will certainly have to consider whether such allegations raised against the petitioner in respect of the incident on 22/7/2007 are correct or not. I am not satisfied that any contempt has been committed and any further action deserves to be taken against the respondent.

5. In the result, this contempt of court case is dismissed. I make it clear that the petitioner's option to urge before the appropriate court that no incident as alleged had at all taken place on 22/7/2007 shall remain unfettered.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007